IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 869-CAT of 2007

Date of Decision : 19.01.2007

Krishan Gopal Gupta ... Petitioner

Versus

Union of India and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. D.R. Sharma, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner was appointed as Technician Grade III/AC, whereupon he applied for appointment against the post of Intermediate Apprentice Mechanic (Junior Engineer Grade-II) for which he appeared in a written test. The respondents notified the names of the successful candidates for being deputed for training. One of the candidates, whose name has been short listed, and who was ordered to be deputed for training, had allegedly maneuvered his selection by way of fraud. The issue of genuineness of the process of selection came to be considered at the hands of the Central Administrative Tribunal in Original Application No. 64-HR of 2006 vide order dated 14.07.2006. Copy of the aforesaid order has been placed on the record of this case as Annexure P-6. The aforesaid Original Application had been filed by Bhupinder Singh, who had allegedly committed the fraud, and, whose appointment has been cancelled by the respondents. During the course of determination at the hands of the Administrative Tribunal, the entire selection process was held to be vitiated and was accordingly set

aside.

The petitioner who claimed to be next in the order of merit, demanded appointment in place of Bhupinder Singh. When his claim was not accepted, the petitioner filed Original Application No. 279-HR of 2006 before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh. The claim of the petitioner was declined by the Administrative Tribunal vide its order dated 30.10.2006 (Annexure P-5). The order dated 30.10.2006 is subject matter of challenge at the hands of the petitioner through the instant writ petition.

The solitary ground on the basis of which the Administrative Tribunal rejected the claim of the petitioner was, that the selection process in which the petitioner had participated for appointment against the post of Intermediate Apprentice Mechanic (Junior Engineer Grade-II) had been set aside in its entirety vide order dated 14.07.2006 passed in Original Application No. 64-HR of 2006, and as such, the Tribunal concluded that the petitioner could not stake a claim for appointment from a selection process, which had been set aside in its entirety.

We find no infirmity in the above said conclusion at the hands of the Administrative Tribunal.

Dismissed.

(J.S. Khehar)
Judge

January 19, 2007
vkd

(S.D. Anand)
Judge